

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 26, 2006

**SENATE BILL**

**No. 1346**

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**Introduced by Senator Ortiz**

February 17, 2006

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An act to amend Section 13151 of ~~then~~ *the* Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as amended, Ortiz. Criminal procedure: disposition reports of criminal cases.

Existing law requires that a report be made by the superior court to the Department of Justice and the law enforcement agency having primary jurisdiction to investigate the offense when the court disposes of a case for which an arrest for certain crimes was made or when the court orders that fingerprints of the defendant be taken and submitted to the Department of Justice.

Existing law further requires that the information provided to the Department of Justice and the law enforcement agency having primary jurisdiction to investigate the offense in such cases contain specified information and be in a specified format.

This bill would provide that the reports that are electronically transmitted to the department shall contain the subject's right and left ~~thumbprints. Thumbprint~~ *thumbprints, unless the subject is physically unable to provide those prints. In that event the court would determine the identifying physical characteristics the subject would provide. The reports would be transmitted as specified, and thumbprint capture personnel would be determined by each county's superior court, in*

consultation with the law enforcement agency providing court services, if applicable.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13151 of the Penal Code is amended to  
2 read:

3 13151. (a) The superior court that disposes of a case for  
4 which an arrest was required to be reported to the Department of  
5 Justice pursuant to Section 13150 or for which fingerprints were  
6 taken and submitted to the Department of Justice by order of the  
7 court shall assure that a disposition report of such case containing  
8 the applicable data elements enumerated in Section 13125, or  
9 Section 13151.1 if such disposition is one of dismissal, is  
10 furnished to the Department of Justice within 30 days according  
11 to the procedures and on a format prescribed by the department.  
12 The court shall also furnish a copy of such disposition report to  
13 the law enforcement agency having primary jurisdiction to  
14 investigate the offense alleged in the complaint or accusation.  
15 Whenever a court shall order any action subsequent to the initial  
16 disposition of a case, the court shall similarly report such action  
17 to the department.

18 (b) Disposition reports, as described in subdivision (a), that are  
19 electronically transmitted to the department *by a court operating*  
20 *on the final version of the criminal component of the*  
21 *Administrative Office of the Courts' California Court Case*  
22 *Management System* shall contain the subject's right and left  
23 thumbprints. Thumbprint capture personnel shall be determined  
24 by each county's superior court, in consultation with the law  
25 enforcement agency providing court services, if applicable. In the  
26 event the subject is physically unable to provide a right and left  
27 thumbprint, the court shall make a determination as to how the  
28 subject might otherwise provide suitable identifying  
29 characteristics and the court shall note which digits, if any, are  
30 imprinted.

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